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Rein van West President, Western Colorado Congress 134 North 6th Grand Junction, CO 81502

Dear Mr. van West:

This letter is in response to your objection, dated March 21, 2016, to the Final Environmental Impact Statement (FEIS) and draft Record of Decision (draft ROD) for the Spruce Beetle Epidemic and Aspen Decline Management Response (SBEADMR) on the Grand Mesa, Uncompangre, and Gunnison National Forests (GMUG NFs). Your objection was timely and met the requirements of 36 Code of Federal Regulations (CFR) 218.8(d).

I have read your objection, reviewed the FEIS and its supporting documentation, and have considered public comments relative to this project. This letter is my written response to your objection, as required by 36 CFR 218.11(b)(1).

Project Subject to Objection:

The GMUG NFs are proposing the SBEADMR Project to reduce the safety threats of falling, dead trees and of managing wildfires on the landscape; to improve the resiliency of stands at-risk of insect and disease; and, to treat affected stands via recovery of salvageable timber and subsequent re-establishment of desired forest conditions. The project is informed by the 2011 Western Bark Beetle Strategy, and furthers goals identified within the National Cohesive Wildland Fire Management Strategy.

Three alternatives were analyzed in the FEIS, including:

- Alternative 1: No Action
- Alternative 2: Agency Preferred Action
- Alternative 3: Wildland Urban Interface Focus

Alternative 2 was identified as the preferred alternative to meet the purpose and need of the project.



OBJECTION RESPONSES

<u>Objection Issue 1 – Size and Scope of Project</u>: We are concerned about the size and scope of the project as reflected by all proposed alternatives. We understand that there is variability across the range of alternatives; however, the size of the proposed treatments does not vary from the original 120,000 acres. We object to the size of this project and believe the size to be influenced more by the recovery objective than that of forest health.

Objection Response: The GMUG NFs acknowledge using a maximum operational capacity of 120,000 treatment acres as a side-board when developing the action alternatives (Alternatives 2 and 3, FEIS p. 36). This sideboard was based on the extent of current and projected spruce beetle mortality and Sudden Aspen Death (SAD) affecting the Forest; it was also based on infestation patterns on adjacent Forests (FEIS p. 7), and the ability of GMUG NFs staffs to implement the proposed treatments (draft ROD p. 12). Current data indicates 223,000 acres of spruce beetle mortality, and 229,000 acres of SAD on the GMUG NFs, for a total of 452,000 acres impacted by insects and disease (FEIS p. 37). Treatments proposed under each action alternative (120,000 acres) represent roughly 25% of the affected area or 4% of the entire GMUG NFs and were prioritized to maximize attainment of the purpose and need for action (FEIS p. 20).

It should be noted that the Forest did consider alternatives that did not require maximum operational capacity. In addition to the No Action alternative, the GMUG NFs also considered an alternative that would have applied treatments within 1,000 feet of infrastructure only. This alternative would have substantially reduced proposed treatment acres, but was found not to meet the purpose and need for action with respect to safety or resilience of spruce and aspen stands. For these reasons, the GMUG NFs determined that it was not a reasonable response to the spruce beetle epidemic and SAD, and eliminated it from detailed study (FEIS pp. 67-68). I support this determination.

The purpose and need for action, as clarified in the FEIS, emphasizes three primary goals: public safety, resiliency, and recovery (pp. 20-21). These goals clearly indicate that the intent of both alternatives is to do more than just safeguard human infrastructure and provide for forest health; i.e., they are also intended to provide economic benefit and to improve the resiliency of stands-at-risk of insect and disease, as evidenced by the 60,000 acres of noncommercial treatments proposed under each alternative. While both alternatives meet all aspects of the purpose and need in varying degrees, Alternative 2 was developed to meet the purpose and need across the GMUG NFs landscape, while Alternative 3 was developed to emphasize the public safety aspect on a more limited part of the Forest (i.e., the WUI).

As described on FEIS pages 26 – 30, the GMUG NFs engaged in an extensive public involvement effort during the SBEADMR planning process. The Forests hosted numerous public meetings, field trips, and workshops; collaborated with the Rocky Mountain Research Station and Colorado State University; and hosted a science workshop to help refine the project purpose and need and define the range of alternatives that would be analyzed in the EIS. These efforts demonstrate a 'hard look' as required by the National Environmental Policy Act

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(NEPA), to ensure that the SBEADMR planning process, including development of the purpose and need and alternatives, was founded on a reasoned evaluation of relevant factors.

Objection Issue 2 —Surveys and Inventories: We want to reiterate our concerns for potential impacts of SBEADMR treatments on sensitive bird species such as the purple martin, flammulated owl, and other sensitive species such as the boreal toad. We are skeptical that surveys and inventories will be enough to effectively mitigate the impacts we anticipate on the ground. Surveys and inventories for sensitive species must be done in the correct season and used to inform FS actions before a selected area is presented to the public as some sort of semi-final project.

Objection Response: The GMUG NFs responded to your comments on the Draft EIS regarding purple martin and flammulated owls in Appendix H-1: Response to Comments (p. 180). Although you did not previously comment on the boreal toad during designated comment periods, the review revealed that the GMUG NFs identified design features WFRP-22, WFRP-24, WFRP-25, and WFRP-26 to address boreal toad concerns, and disclosed potential impacts to the boreal toad on FEIS pp. 609, and 645-646.

The review also indicates that the GMUG NFs have provided ample safeguards to ensure that the correct surveys are performed at the time of treatment, as mandated by law, regulation, and policy. For example, design features WFRP-9 (p. B-26), WFRP-14 (p. B-27), and WFRP-22 (p. B-29) of FEIS Appendix B — Design Features address the need for surveys/inventories and application of management considerations to avoid or minimize impacts based on survey results. Page 13 of FEIS Appendix C, the Pre-Treatment Checklist, further identifies instructions for completing wildlife and fish surveys. Adherence to the Pre-treatment Checklist, as required by draft ROD page 6, will ensure that treatments are implemented consistent with the FEIS and the revised Forest Plan, and that the necessary surveys are completed prior to the commencement of ground-disturbing activities.

<u>Objection Issue 3 – Public Comment Period:</u> Comments received for future, proposed treatments will not merit further administrative review; projects will not be published in the federal register and will not have objection periods. Thus, the objection period currently underway is the only time objections may be voiced through a NEPA process. WCC sincerely hopes that litigation will not be necessary as SBEADMR is implemented over the next decade.

Objection Response: The FEIS for the SBEADMR project constitutes a full, project-level NEPA analysis, because the site-specific direct, indirect, and cumulative effects have been properly analyzed and disclosed for the public and the decision-maker.

The notice and comment period proposed by the agency was never intended to serve as a substitute for NEPA compliance. It was intended as a collaborative measure requested by the public. The agency added the annual 30-day notice and public comment period between the Draft Environmental impact Statement (DEIS) and FEIS in response to comments received on the DEIS. Commenters requested continued involvement in the implementation phase of the SBEADMR project, ranging from a formal Federal Advisory Committee Act (FACA) committee of stakeholders, to additional NEPA to a way for stakeholders to halt

implementation should they have concerns (Appendix H1, p. 17). The annual 30-day opportunity to comment is a way for the public to review work performed and comment on out-year projects (Appendix H1, p. 18).

The Pre-treatment Checklist (Appendix C), the annual interdisciplinary team review (Appendix D), and Table 6 (FEIS, p. 44) are designed to monitor any exceedances in the scope and range of effects analyzed in the FEIS, which would allow the responsible official to correct, supplement, or revise the analysis, or start a new analysis. The Pre-treatment Checklist specifically identifies opportunities for stakeholder involvement including public field trips of proposed treatment areas (FEIS Appendix C p. 19).

The GMUG NFs developed the implementation notice and comment period concept between Draft and Final EIS, and has since discovered that the intent of the comment period was not clear to many members of the public. Therefore, I am **instructing** the Responsible Official to add the following language, **in bold**, to Step 6 of Appendix E – Public Engagement in Adaptive Implementation:

"Step 6) Publish notice of opportunity to comment on updated treatment list, treatment plans, refined maps, and schedule.

Annually, the Forest will publish a single notice in local newspapers requesting comments from the general public on the following year's planned treatments. The Forest Service will annually provide this updated treatment list, refined treatment plans and maps in order to provide a broad audience of public participants an opportunity to stay informed of and to comment on individual treatments. This will be an additional opportunity benefiting those participants who are not available to participate in field trips and meetings. The annual comment period will run for 30 days. Comments will be considered by the implementation teams and responsible official and used to adjust treatment plans as warranted."

Instructions

Based on my review of your objection and the FEIS and its supporting documentation, I find no violation of law, regulation or policy associated with the SBEADMR Project relative to the points raised in your objection. However, you have raised a compelling point in your objection that would help to clarify the public comment period aspect of the proposal. Therefore, by copy of this letter, I am instructing the Responsible Official, Forest Supervisor Scott Armentrout, to implement the instruction identified under Objection Issue 3.

Conclusion

As required by 36 CFR 218.12(a), the Responsible Official may not sign a final decision for the SBEADMR project until <u>all</u> instructions have been addressed. This includes instructions contained in this letter, as well as other instructions that have been provided to Forest Supervisor Armentrout based on issues raised by other objectors. Written responses to all objections received on the SBEADMR Project, including instructions, may be found at: http://www.fs.usda.gov/project/?project=42387.

If you have any questions or concerns regarding this response, please contact Melissa Martin, Acting Regional Administrative Review Coordinator, at 303-275-5257 or mmmartin@fs.fed.us. This response is not subject to further administrative review by the Forest Service, or the Department of Agriculture, pursuant to 36 CFR 218.11(b)(2).

Sincerely,

JACQUELINE A. BUCHANAN

Deputy Regional Forester

Reviewing Officer

cc: Samantha Staley, Scott Armentrout, Melissa Martin